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Attorneys for Defendant WILLIAM RICHARD BAILEY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(Honorable Cathy Ann Bencivengo)

UNITED STATES OF AMERICA,)	CASE NO.: 3:13-cr-3046-CAB
)	
Plaintiff)	MOTION TO WITHDRAW AS
)	COUNSEL
v.)	
)	
)	
WILLIAM RICHARD BAILEY)	
)	
Defendant.)	
)	

DAVID MICHAEL, for the reasons set forth herein, hereby requests that this Court grant him permission to withdraw as counsel for Defendant, WILLIAM RICHARD BAILEY.

The reasons for this request are that, after performing his due diligence in this matter by investigating the facts and historical circumstances related to the charges against Dr. Bailey, reviewing all of the voluminous discover provided to date by the government as well as the extensive history of Dr. Bailey's relationship with the government and its agents in tax matters,

1 dating back more than 15 years, the undersigned counsel, although an experienced attorney as to
2 other specialized areas of law, lacks the experience, skill, knowledge, or expertise to be able to
3 provide effective representation to Dr. Bailey in this tax prosecution.

4 Counsel for Defendant has sought this morning to confer with AUSA Joseph Orabano,
5 counsel for the government, as to this request for withdrawal. As of the filing of this motion,
6 AUSA Orabano has not yet responded. Nonetheless, counsel for Defendant believes that AUSA
7 Orabano will have no objection to the withdrawal of counsel with the understanding that Dr.
8 Bailey will obtain new counsel without delay.

9
10 Respectfully submitted,

11 Dated: November 14, 2014

12 s/David M Michael
13 DAVID M. MICHAEL
14 Attorney for Defendant
15 WILLIAM RICHARD BAILEY

16 **DECLARATION OF DAVID MICHAEL**

17 I, DAVID MICHAEL hereby declare as follows;

18 1. I am an attorney at law, having been duly licensed to practice before the courts of the
19 State of California and various federal courts since 1977.

20 2. I have practiced as a criminal defense attorney with a recognized specialty in federal
21 and state forfeiture law throughout my career.

22 3. Having reviewed all of the facts and circumstances in this case, including extensive
23 discussions with Dr. Bailey, the examination of the historical records, beginning in 1998, having
24 researched the extensive and voluminous discovery provided by the government to date,
25 including approximately 1 Terabyte of data (1,000MB), and researched the law and rules related
26 to the government's Indictment for multiple years of alleged tax evasion, as well as litigation
27 between Dr. Bailey and the government dating back to 1998, I have determined that I lack the
28 special experience skill, knowledge and expertise in order to provide effective assistance to Dr.
Bailey in his defense of the charges against him.

1 4. I believe that, considering the unique nature of this case, and the extensive history as
2 to the relationship between Dr. Bailey and the government as to tax matters, and the voluminous
3 amount of documentary evidence involved, Dr. Bailey can only receive effective representation
4 by retaining the assistance and representation of an attorney with specialized skills and
5 experience in tax matters and tax litigation,

6 I declare under penalty of perjury that the foregoing is true and correct, and that this
7 Declaration was executed at San Diego, CA on 14 November 2014.

8 *s/David M. Michael*
9 DAVID M. MICHAEL
10 Attorney for Defendant
11 WILLIAM RICHARD BAILEY

12 **CERTIFICATE OF ELECTRONIC SERVICE**

13 I hereby certify that, on November 14, 2014, I electronically filed the foregoing with the
14 Clerk of the Court for the Southern District of California by using the CM/ECF system. I certify
15 that all participants in the case are, or have applied to be, registered CM/ECF users and that
16 service will be accomplished by the CM/ECF system.

17 *s/David M. Michael*
18 DAVID M. MICHAEL
19 Attorney for Defendant
20 WILLIAM RICHARD BAILEY
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